

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Michael J. Litchman

Serial No.: 10/765,721

Filed: January 27, 2004

For: CLOSURE ELEMENT FOR

TUBULAR MEMBERS AND CONTAINER

INCLUDING SAME (as amended)

Confirmation No.: 2564

Examiner: R. Hylton

Group Art Unit: 3727

Attorney Docket No.: 2316-6296US

CERTIFICATE OF MAILING

I hereby certify that this correspondence along with any attachments referred to or identified as being attached or enclosed is being deposited with the United States Postal Service as First Class Mail on the date of deposit shown below with sufficient postage and in an envelope addressed to the Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

November 8, 2005

Date

Joseph A. Walkowski

Name (Type/Print)

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Mail Stop Amendment Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

In compliance with the duty to disclose information material to patentability pursuant to 37 C.F.R. § 1.56, it is respectfully requested that this Supplemental Information Disclosure Statement be entered and the document listed on attached Form PTO/SB/08 be considered by the Examiner and made of record. Pursuant to M.P.E.P. 609 III A(2), a copy of the cited U.S. patent is not being provided.

In accordance with 37 C.F.R. § 1.97(g) and (h), filing of this Supplemental Information Disclosure Statement is not to be construed as a representation that a search has been made or an admission that the information cited herein is, or is considered to be, material to patentability as

defined in 37 C.F.R. § 1.56(b). Further, no representation is made by Applicant herein that no other possible material information as defined in 37 C.F.R. § 1.56 (b) exists.

U.S. Patent Documents

| U.S. Patent No. | Publication Date | <u>Patentee</u> | |
|-----------------|------------------|-----------------|--|
| US - 3,856,199 | 12/24/1974 | Gartz | |

Applicant offers to supply any explanation or discussion of the document which the Examiner feels is necessary or desirable and which is requested.

This Supplemental Information Disclosure Statement is filed before the mailing date of a first Office Action on the merits, and therefore no fee is due.

Respectfully submitted,

Joseph A. Walkowski Registration No. 28,765 Attorney for Applicant(s)

TRASKBRITT P.O. Box 2550

Salt Lake City, Utah 84110-2550

Telephone: 801-532-1922

Date: November 8,2005

JAW/ps:slm

Enclosures: Form PTO/SB/08

Document in ProLaw

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

| INFORMATION DISCLOSURE |
|------------------------|
| STATEMENT BY APPLICANT |

(use as many sheets as necessary)

Substitute for form 1449A/PTO

Sheet

| Complete if Known | | | |
|------------------------|---------------------|--|--|
| Application Number | 10/765,721 | | |
| Filing Date | January 27, 2004 | | |
| First Named Inventor | Michael J. Litchman | | |
| Group Art Unit | 3727 | | |
| Examiner Name | R. Hylton | | |
| Attorney Docket Number | 2316-6296US | | |

| | | Document Number | U.S. PATENT D | Name of Patentee or Applicant of | | |
|------------------------|--------------|--|--------------------------------|----------------------------------|---|--|
| Examiner Initials * | Cite No.1 | Number - Kind Code ² (if known) | Publication Date MM-DD-YYYY | Cited Document | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear | |
| | | US-3,856,199 | 12/24/1974 | Gartz | | |
| | | US- | | | | |
| | | US- | | | | |
| | | US- | | | | |
| | | US- | | | | |
| | | US- | | | | |
| | | US- | | | | |
| | | US- | | | | |
| | | US- | | | | |
| | | US- | | | | |
| | | US- | | | | |
| | | US- | | | | |
| | | US- | | | | |
| | | US- | | | | |
| | | US- | | | | |
| | | US- | | | | |
| | | US- | | | | |
| | | US- | | | | |
| | | US- | | | | |
| | 1 | US- | | | | |

| Examiner C | Cite | Cite Foreign Patent Document | | Name of Patentee or | Pages, Columns, Lines, | |
|------------|------|---|--------------------------------|---|---|----------------|
| Initials* | No. | Country Code ³ - Number ⁴ - Kind Code ⁵ (if known) | Publication Date MM-DD-YYYY | Applicant of Cited Document | Where Relevant Passages or Relevant Figures Appear | T ⁶ |
| | | | | * * · · · · · · · · · · · · · · · · · · | | |
| | | | | | | |
| | | | | | | |
| | | | + | | | |
| | | | | | | |

| Examiner Signature | Date Considered | |
|-----------------------|--------------------|--|

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

^{*}EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. that issued the document, by the two-letter code (WIPO Standard ST.3). 4 For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. Skind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.